

The Basics RE: Involuntary Transfers and RIF/Lay-off**Where can I find information about lay-offs and involuntary transfer?**

Go to the TEA website, www.TucsonEA.org, and click on the “Consensus and White Collar / Food Service Agreements” link under “Negotiations.”

More specifically?

Involuntary transfers are addressed in Consensus Agreement (CA) Article 8, **Involuntary Assignment/Relocation** and White Collar/Food Service (WC/FS) Agreement Article 12, **Involuntary Adjustment of Work**.

Lay off procedures are outlined in CA 15, **Reduction in Force** and WC/FS 13, **Lay Off**.

(ARs have received a copy of the articles along with these tips.)

Please note: seniority is based on the most recent date of hire *within the district* (not at a site) in a regular position.

What are the basics members should know?**Cert DITs (CA 8):**

* District-Initiated Transfers, a.k.a. DITs, can start as early as mid-March, but most likely won't until after RIF notices are sent out.

* Before an MBU¹ is designated as a DIT, there should be a request for volunteers to be so designated. (See CA 8-4-B.)

* People in positions that are being reduced or eliminated may be assigned to vacancies within a school, provided they are highly qualified for those positions.

* If “there are no volunteers, the least senior MBU in that particular building, department, or program shall be transferred...” (8-1-C).

Cert RIFs (CA 15):

* Reductions in Force, or RIFs, are used when there are too many people for the positions available.

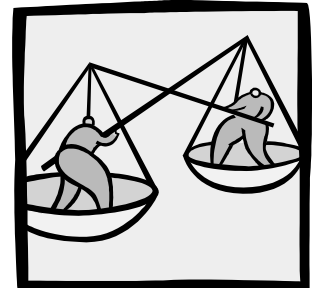
* Should a RIF occur, “probationary MBUs in the affected programs shall be the first employees RIFed (in order of seniority).” (See CA 15-3-B.)

* MBUs hired on or before July 1, 2004, aren't subject to RIF (CA 15-8).

* MBUs retain recall rights for three years.

ESP² Involuntary Transfers (WC/FS 12):

* When there is a need for an involuntary ESP transfer or work adjustment, WC/FS Article 12 should be applied. If necessary, the least senior 8 hour/12 month employees may be transferred to a position of less hours per day (no less than four) or fewer months for the year (12-2-A).



* ESPs in positions of less than 8 hours, 12 months may be transferred, beginning with those with the least District seniority, to other positions in their classification and cannot “be offered a position of less than four (4) hours per day.” (WC/FS 12-2-A-3)

* WC/FS Article 12-2-C addresses what should happen if an involuntary transfer within the same classification is not available.

ESP Lay Off (WC/FS 13):

* If involuntary transfers are not enough to address the reduction in positions/hours, and there is no vacancy for an affected ESP, then the person may be subject to a lay off per WC/FS 13, in which case “temporary and initial probationary ESPs occupying the affected classifications at the site shall be laid off first,” and if current ESPs must be laid off, then seniority within the affected classification will be used.

* ESP in regular positions hired on or before July 1, 2004 can't be laid off (WC/FS 13-5-A).

* ESP retain recall rights for twelve months (WC/FS 13-5-A).

¹ MBU = Member of the Bargaining Unit

² ESP = Education Support Professional